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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	ATTORNEY DOCKET NO. CONFIRMATION NO.	
10/008,473	11/09/2001	Robert F. Enenkel	CA920000040US1	CA920000040US1 5643	
46320	7590 11/01/2005	•	EXAMINER		
CHRISTOPHER & WEISBERG, PA 200 E. LAS OLAS BLVD			STEVENS, THOMAS H		
SUITE 2040		•	ART UNIT	PAPER NUMBER	
FT LAUDERDALE, FL 33301			2123		

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS		Application No.	Applicant(s)					
The REPLY FILED 20 October 2005 FAILS TO PLACE THIS APPEARS on the cover sheet with the correspondence address THE REPLY FILED 20 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this selection of the prior of the same day as filing a Notice of Appeal. To avoid abandomment of this selection in condition for allowance; (2) a Notice of Appeal (1) avoid abandomment of this selection of the prior of the selection of the se		10/008,473	ENENKEL ET AL.					
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b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS for the mailing date of the final rejection. Examiner Note: if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 706 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fete wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fete under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as esteroin in (b) box. if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patient term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:							
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Continuation of 11. does NOT place the application in condition for allowance because: the claims reflect non-statutory subject matter. The applicants insist the Office's rejection by way of In re Shrader is improper since the court ruled that "an algorithm is patentable when applied in a "useful" way. Furthermore, the applicants quote a section from the State Street case to which it says, "... statutory subject matter, even if the useful result is expressed in numbers, such as prices, profit, percentage, cost or loss..." to conclude the source of these mathematical results originate from case specific events (i.e., profit—finacial; loss—taxes; percentage—variet of business related events, etc.) via a mathematical algorithm. Now the applicants restate (applicants' response: page 18) that the invention is "recognized by those skilled in the art a floating-point number is a digital representation of an arbitrary real number in a computer"—nowhere is this limitation mentioned, verbatim, in the claims. The examiner suggested to the attorney, via a brief phone call, to amend the claims to reflect the floating point limitation(s)—the attorney refused. If amended to such fashion, the 101 rejection would be withdrawn; however, a new search would be required. Thus, the 101 rejection stands.

Continuation of 13. Other: Based on applicant's amendment to claims 20-22, 112 2nd rejections are withdrawn.